

FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, DC 20426

August 24, 2018

OFFICE OF THE CHAIRMAN

The Honorable Maria Cantwell
United States Senate
Washington, D.C. 20510

Dear Senator Cantwell:

Thank you for your August 22, 2018, letter and questions regarding recent statements made by my Chief of Staff. While I understand your concerns, I can assure you that this Commission remains independent and impartial. Furthermore, please know that I am strongly committed to preserving this agency's statutorily structured independence and impartiality.

Please see my responses to your questions below:

1. The Commission speaks exclusively through its orders. Consequently, neither the public statements of Mr. Pugliese nor those of any other FERC staff member can state the views of the Commission, particularly in connection with proceedings on which the Commission has not issued an order on the merits.
2. As explained above, no individual FERC staff members can in their public statements speak for the Commission's views on matters pending before it. Consequently, neither Mr. Pugliese nor any other FERC staff member has or could be authorized by me or other Commissioners to state the Commission's views on matters pending before it.
3. Mr. Pugliese informed me and I authorized him to sit for an interview on Breitbart News Sunday, as well as to speak to the American Nuclear Society. In those conversations, Mr. Pugliese informed me that he planned to discuss his work at the Commission as well as topical matters of general interest, such as cybersecurity concerns, grid resilience, and the nation's changing generation mix. Speeches and remarks by members of the Commission's senior staff are routine and commonplace, and I had no basis for concern with Mr. Pugliese's participation in the interview or speech.
4. While there is no formalized procedure at the Commission to review or approve public speaking engagements or media appearances by staff, it has been longstanding practice at the Commission for the Commission's senior staff to inform the Chairman and fellow members of senior staff of public speaking events and media engagements. In conformity with this longstanding practice, Mr. Pugliese informed me and our Office of External Affairs that he had agreed to the interview with Breitbart News Sunday and the speech to the American Nuclear Society. The specific subjects of his remarks were not subject to review and were not identified in advance.

5. The Commission conscientiously observes its obligations under the Hatch Act. The Commission continuously engages Commissioners and staff to ensure that all Commission employees are thoroughly informed of their responsibilities under the Hatch Act. All new Commission employees are required to take initial ethics training, which includes the requirements of the Hatch Act. Thereafter, all Commission employees are required to complete annual ethics training, which also covers the Hatch Act. Moreover, the Commission's ethics staff provide Hatch Act updates to all employees as required, the most recent of which was provided in March of 2018. Finally, the Commission's ethics staff provide resources for and consult with Commissioners and staff on Hatch Act obligations on an ongoing basis.
6. Commission staff has not discussed the merits of any "grid resilience" proposal that would seek to prefer one form of generation over another with executive branch officials. Commission staff does, however, have regular contact with our counterparts in the Department of Energy on a host of matters of shared responsibility including intelligence, personnel and legal process.
7. Mr. Pugliese was appointed under Schedule C. As Chief of Staff, the primary duties of Mr. Pugliese include overseeing the agency's day-to-day activities and managing the efforts of the program office directors. Mr. Pugliese is qualified to serve as Chief of Staff because of his demonstrated leadership ability. Commissioner Chatterjee selected Mr. Pugliese as his Chief of Staff because of his outstanding management skills and his unparalleled talent for coordinating the activities of a complex, multi-faceted agency. I chose to retain him as my Chief of Staff for the same reasons. His prior government experience, including service in the Department of Transportation, thoroughly prepared him for the management role in which he currently serves.

Please let me know if I can be of further assistance in this or any other Commission matter.

Sincerely,



Kevin J. McIntyre

Chairman